

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of	Group Art Unit
Eric E. Aanenson	3643
Application Number	Examiner
10/773,504	David Parsley
Filing Date	Attorney Docket
February 6, 2004	89822
For	
DEEP SEA FISHING LURE	

COMMENTS SUPPORTING PRE-APPEAL

BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to a Final Office Action dated April 9, 2007. The Examiner rejected claims 1-4, 6, 12-14 and 24 as being unpatentable over Fima, U.S. Patent No. 4,250,650 in view of Treon, U.S. Patent No. 4,799,327 and Garr, U.S. Patent No. 4,727,674.

The pertinent part of claim 1 reads as follows:

a removable, interchangeable jacket installed over and substantially covering the body and made of a light-transmissive material and configured to visually resemble a bait attractive to fish;

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 50-0937.

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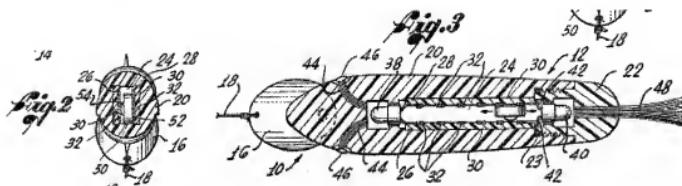
Date

8/20/07

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The Examiner contended that "Fima discloses a lure body – at 20, a removable, interchangeable jacket – see at 12 and the outer edge of 46 in figures 1-2 where in figure 2 a jacket containing the top dorsal fins is formed on top of the body – at 20, installed over and substantially covering the body made of a light transmissive material and configured to visually resemble a bait attractive to a sport fish – see for example figures 1-4 ..." Figs. 1-2 from Fima are set forth below.



Nowhere in Fima is it taught or suggested that:

(1) body 12 or main section 20 are removable or interchangeable. To the contrary, the only part of the Fima lure that is described as being removable is the cap section 22. Additionally, Fima indicates that "contacts 34 are referred to as stationary contacts because they are not movable with respect to the body 12." Column 2, lines 37-39. If contacts 34 are stationary with respect to the body, it cannot be said that body 12 or main section 20 are removable or interchangeable.

(2) body 12 or main section 20 are made from a light transmissive material. To the contrary, body 12 and main section 20 are made from a material that is not light transmissive because Fima uses two bundles of light conducting optical fibers to direct light from light sources 38, 40 to simulate eyes 46 and tail 48.

The Examiner has not contended that the Treon and Garr, the other references combined with Fima in this rejection, teach or suggest the elements that are discussed above as being not disclosed in Fima.

In view of the preceding comments, it is submitted that the Examiner has not made a *prima facie* showing that independent claim 1 is obvious. Accordingly, independent claim 1 and dependent claims 2-4, 6 and 12-14 are not obvious when viewed in light of Fima, Treon and Garr. Reconsideration and withdrawal of the rejection of claims 1-4, 6 and 12-14 are thereby requested.

Claims 8-11 were rejected based upon the combination of references cited against independent claim 1 along with additional references. The Examiner has not indicated that any of these additional references disclose the features that were allegedly present in Fima. Accordingly, these claims are also not obvious. Reconsideration and withdrawal of these rejections are respectfully requested.

Similar to independent claim 1, independent claims 15, 24 and 40 also indicates that the deep sea fishing lure comprises “a removable, interchangeable jacket installed over and substantially covering the body and made of a translucent material and configured to visually resemble a bait attractive to fish.”

For the reasons set forth above with respect to independent claim 1, it is submitted that the Examiner has not made a *prima facie* showing that independent claims 15, 24 and 40 are obvious. Reconsideration and withdrawal of the rejection of claims 15, 18-22 and 40-43 are respectfully requested.

The Examiner rejected independent claim 36 as being obvious when viewed in light of Fima and King. Fig. 2 from the present application, which illustrates the embodiment defined in this claim, is set forth below.

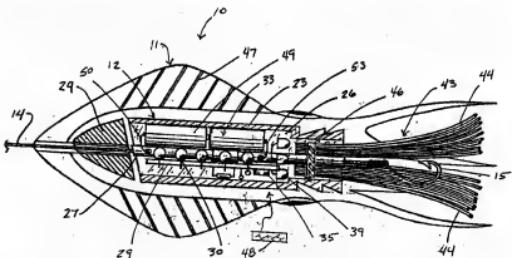


FIG. 2

After acknowledging that “Fima does not disclose a rechargeable battery pack for the display lights installed in the housing and a leader tube, passing centrally through the body to the battery pack, that forms part of the recharging circuit,” the Examiner cites King et al. for disclosing these elements.

As is discussed in Paragraph [0021] of the present patent application “metal leader tube 27 is positioned centrally in housing 23 and serves as an anti-chafing conduit for the leader wire.”

While King et al. discloses various wires that are connected to the battery, the light source and hooks on the outside of the lure, King et al. does not disclose a leader tube that passes through the lure through which the leader wire extends. To the contrary, the figures in King et al. illustrate that the lure is completely enclosed.

Accordingly, neither Fima nor King et al. disclose a fishing lure having each of the elements in independent claim 36. Independent claim 36 along with claims 37 and 39, which

depend from independent claim 36, are therefore not obvious when viewed in light of Fima and King et al. Reconsideration and withdrawal of the rejection of claims 36, 37 and 39 are thereby requested.

Claim 38 was rejected based upon the combination of references cited against independent claim 36 along with an additional reference. The Examiner has not indicated that any of these additional references disclose the features that were allegedly present in Fima. Accordingly, these claims are also not obvious. Reconsideration and withdrawal of the rejection of claim 38 are respectfully requested.

Very truly yours,



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